UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,435	07/24/2001	William J. Bushee	21-0853	4679

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EXAMINER
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ART UNIT	PAPER NUMBER
2167	

DATE MAILED: 02/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/911,435	BUSHEE, WILLIAM J.
	Examiner	Art Unit
	Leslie Wong	2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*24 July 2001*</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>*1-34*</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) <u>*34*</u> is/are allowed.

6)☒ Claim(s) <u>*1,2,3,18,30,31,and 33*</u> is/are rejected.

7)☒ Claim(s) <u>*4-17,19-29 and 32*</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>*24 July 2001*</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Specification

1.   Applicant is reminded of the proper language and format for an abstract of the disclosure.

        The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

        The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2.   The abstract of the disclosure is objected to because it **exceeds 150 words** limit.

3.   The word "means", on lines 9 and 10, incorporates **legal phraseology** from

claim language.

4.   Correction is required. See MPEP § 608.01(b).

5.   Applicant is reminded to update the application serial Number for the co-pending

application.

        The following is a quote in part of MPEP 608.01(p), concerning the incorporation of subject

matter by reference:

        "The Commissioner has considerable discretion in determining what may or may not be incorporated by reference in a patent application. *General Electric Co. v. Brenner*, 407 F.2d 1258, 159 USPQ 335 (D.C. Cir. 1968).

The incorporation by reference practice with reference to applications which issue as U.S. patents provides the public with a patent disclosure which minimizes the public's burden to search for and obtain copies of documents incorporated by reference which may not be readily available. Through the Office's incorporation by reference policy the Office ensures that reasonably complete disclosures are published as U.S. patents. The following is the manner in which the Commissioner has elected to exercise that discretion.

An application as filed must be complete in itself in order to comply with 35 U.S.C. 112. Material nevertheless may be incorporated by reference, *Ex parte Schwarze*, 151 USPQ 426 (Bd. App. 1966). An application for a patent when filed may incorporate "essential material" by reference to (1) a U.S. patent or (2) a pending U.S. application, subject to the conditions set forth below.

"Essential material" is defined as that which is necessary to (1) describe the claimed invention, (2) provide an enabling disclosure of the claimed invention, or (3) describe the best mode (35 U.S.C. 112). In any application which is to issue as a U.S. patent, essential material may not be incorporated by reference to (1) patents or applications published by foreign countries or a regional patent office, (2) non-patent publications, (3) a U.S. patent or application which itself incorporates "essential material" by reference, or (4) a foreign application.

Nonessential subject matter may be incorporated by reference to (1) patents or applications published by the United States or foreign countries or regional patent offices, (2) prior filed, commonly owned U.S. applications, or (3) non-patent publications. Nonessential subject matter is subject matter referred to for purposes of indicating the background of the invention or illustrating the state of the art.

Mere reference to another application, patent, or publication is not an incorporation of anything therein into the application containing such reference for the purpose of the disclosure required by 35 U.S.C. 112, first paragraph. *In re de Seversky*, 474 F.2d 671, 177 USPQ 144, (CCPA 1973). In addition to other requirements for an application, the referencing application should include an identification of the referenced patent, application, or publication. Particular attention should be directed to specific portions of the referenced document where the subject matter being incorporated may be found. Guidelines for situations where applicant is permitted to fill in a number for Serial No. _____ left blank in the application as filed can be found in *In re Fouche*, 439 F.2d 1237, 169 USPQ 429 (CCPA 1971) (Abandoned applications less than 20 years old can be incorporated by reference to same extent as copending applications; both types are open to public upon referencing application issuing as a patent)."

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 18, 30-31, and 33 are rejected under 35 U.S.C. 102(e) as being

anticipated by **Egendorf et al.** ("Egendorf") (us 20030177111a1).

Regarding claim 1, **Egendorf** teaches a method for the automatic configuration

of dynamic database search forms comprising:

a).   obtaining a database listing containing the uniform resource

locators(URLs) for each one of a plurality of databases to be configured (¶ 0088 and

0092);

b).   accessing each one of said plurality of databases (¶s 0074 and 0077);

c).   capturing a web page from the data base associated with said URL (¶s

0156 and 0191);

d).   locating data entry windows in said captured web page (¶ 0075);

e).   selecting a most probable data entry window of data entry windows for

passing queries to said data base (¶ 0079);

f).   searching candidate responses for a next link indicating a next page for

additional results from said database in response to a query (¶s 0078, and 0088-0089);

and

g).   writing an engine file describing the form layout and requirements based

upon said candidate responses and said next link (¶ 0186).

Regarding claim 2, **Egendorf** further teaches wherein the step of accessing each

one of said plurality of databases further comprises accessing a network and following a

URL to a database on said network to be configured for automatic completion of search
forms (¶s 0196-0197).

Regarding claim 3, **Egendorf** further teaches the step of locating data entry
windows in said captured web page further comprises:

a).   saving information captured from the web page as a source version of the
web page (¶ 0237);

b).   filtering said source version into additional listings of URLs and text
portions (¶ 0086);

c).   examining said text portions for occurrences of a form label (¶ 0081);

d).   collecting each form tagged with the form label (¶s 0084-0088;

e).   scoring each one of said forms to develop a numerical representation of a
likelihood that any one form is a query input form (¶s 0038 and 0086);

f).   selecting one of said forms based on said form having a higher numerical
representation than any other of said forms (¶s 0086 and 0088);

g).   storing an action string associated with said form, said action string
comprising a URL having at least a domain portion, a program portion, and a query
portion (¶s 0074, 0076-0078);

h).   storing a form method indicator associated with said database (¶s 0088
and 0093-0094).

Regarding claim 18, **Egendorf** further teaches the steps of:

a).   determining a location of each one of a plurality of results locations on a

responsive web page where results from a query are posted (¶s 007-0088, and 0221).

b).   determining a location of each one of a plurality of non-results items on a

responsive page are posted (¶ 0082).

Regarding claims 30 and 33, **Egendorf** teaches a system for the automatic

configuration of dynamic database search forms comprising:

a).   a computer system having a storage means for facilitating the retention

and recall of dynamic database content , said computer system having a

communications means for performing bi-directional communications between said

computer system and a network (¶s 0093-0094, and 0237);

b).   a query input means for receiving a plurality of queries from a user and

transferring the plurality of queries to a plurality of databases (¶ 0151-0156, and 0184);

c).   an action string module interfaced to said computer system for

determining a format associated with an entry page for a database, said action string

module being for determining an appropriate data entry window for use in passing a

query to said database (¶s 0073, 0076-0078, 0088, and 0194);

d).   a results module interfaced to said computer system and said action string

module, said results module locating areas on a responsive page returned by said

database in response to said query where results are placed (Fig. 2A, element 108);

e).   a next link module interface to each one of said computer system, actions

string module, and results module, said next link module locating a link associated with

additional results provided by said database in response to said query (¶s 0078, and

0088-0089);

      f).   an engine file module interfaced to said computer system and every other

module for storing results produced by each module such that a general format query is

translatable into a database specific format allowing a common query to be submitted to

multiple databases each requiring different formats (¶ 0048 and Fig. 2A, element 108,

and Fig. 4) .

      Regarding claim 31, **Egendorf** further teaches a data comparison portion

providing user specific information to each of said modules for facilitating analysis of

said database (¶ 0079).

Allowable Subject Matter

7.   Claim 34 is allowed.

The following is an examiner's statement of reasons for allowance:

      Prior art of record fails to teach a combination of elements including comparing

said action string with said listing of bad action strings and determining if a portion of

said action string matches any bad action strings of said listing of bad action strings,

setting said numerical representation to zero and terminating said step of scoring if a

portion of said action string matches any of said bad action string within a predefined

window determined by a bidding factor as recited in dependent claims 4 and 17.

Prior art of record fails to teach a combination of elements including comparing said action string with said listing of bad action strings and determining if a portion of said action string matches any bad action strings of said listing of bad action strings, setting said numerical representation to zero and terminating said step of scoring if a portion of said action string matches any of said bad action string within a predefined window determined by a binding factor;

comparing said action string with said listing of undesirable link text and determining if a portion of said action string matches any undesirable link texts of said listing of undesirable link texts, setting said numerical representation to zero and terminating said step of scoring if a portion of said action string matches any of said undesirable link texts within a predefined window determined by a binding factor;

comparing said action string with said listing of undesirable value and determining if a portion of said action string matches any undesirable values of said listing of undesirable values, setting an undesirable value metric to a presence predetermined value if a portion of said action string matches any of said undesirable value within a predefined window determined by a binding factor, and setting an undesirable value metric to an absence predetermined value if a portion of said action string does not match an undesirable value within a predefined window determined by a binding factor;

comparing said action string with said listing of desirable link text and determining if a portion of said action string matches any desirable link texts of said listing of desirable link texts, setting a desirable link text metric to a presence

predetermined value if a portion of said action string matches any of said desirable link texts within a predefined window determined by a binding factor, and setting an desirable link text metric to an absence predetermined value if a portion of said action string does not match a desirable link text within a predefined window determined by a binding factor; and

using values for said presence predetermined value associated with said name matching metric, said absence predetermined value associated with said undesirable value metric, said presence predetermined value associated with said desirable text metric, and said null text metric such that the relative weighting of each of said metrics is approximately 3 : 2 :2 : 1 respectively as recited in dependent claim 29.

Prior art of record fails to teach a combination of elements including a bad action string listing providing URLs for known databases which are not to be included in the analysis of said databases, a desirable text link listing providing a plurality of desirable terms for use in analysis of said databases, a presence of any one of said plurality of desirable terms increasing a score associated with a data entry window on one of said response pages; an undesirable text link listing providing a plurality of undesirable terms for use in analysis of said databases, a presence of any one of said plurality of undesirable terms setting a score associated with a data entry window on one of said responsive pages to 0 and ending analysis of said data entry window; an undesirable value listing providing a plurality of undesirable values for use in analysis of said databases, a presence of any one of said plurality of undesirable values decreases a

score associated with a data entry window on one of said responsive pages as recited

in independent claim 34 and dependent claim 32.

Claims 5-16, 19-28 and 32 are objected to as being dependent upon a rejected

base claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

These features, together with the other limitations of the independent claims are

novel and non-obvious over the prior art of record.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

    Bushee (US006711569B1)

    Knowlton et al. (US006057842A)

    Jaquith et al. (US006549941B1)

    Balijepalli et al. (US 20040230566 A1)

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Leslie Wong whose telephone number is (571) 272-

4120. The examiner can normally be reached on Monday to Friday 9:30am - 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John E Breene can be reached on (571) 272-4107. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Leslie Wong
Patent Examiner
Art Unit 2167

LW
February 4, 2005